

By Senator Lee

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1                   A bill to be entitled  
2       An act relating to instructional materials; amending  
3       s. 1006.283, F.S.; requiring district school board  
4       rules to include a longer public review period for  
5       student editions of recommended instructional  
6       materials; requiring district school boards to  
7       establish by rule a process by which certain persons  
8       may recommend instructional materials for  
9       consideration by district instructional materials  
10      reviewers; requiring a district school board to  
11      provide notification to certain publishers; amending  
12      s. 1006.31, F.S.; requiring public access to and an  
13      opportunity to comment on instructional materials  
14      recommended for adoption; requiring certain comments  
15      to be provided to the Commissioner of Education;  
16      requiring specified virtual presentations to be posted  
17      on the Department of Education's website; authorizing  
18      members of the public to recommend instructional  
19      materials for consideration; requiring the Department  
20      of Education to provide notification to certain  
21      publishers; conforming a cross-reference; amending s.  
22      1006.34, F.S.; exempting certain instructional  
23      materials from certain public review procedures;  
24      authorizing district school board members to initiate  
25      certain public review procedures before instructional  
26      materials are adopted under certain conditions;  
27      amending s. 1006.40, F.S.; conforming a provision to  
28      changes made by the act; providing an effective date.  
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30 Be It Enacted by the Legislature of the State of Florida:

31  
32 Section 1. Paragraph (b) of subsection (2) of section  
33 1006.283, Florida Statutes, is amended to read:

34 1006.283 District school board instructional materials  
35 review process.—

36 (2)

37 (b) District school board rules must also:

38 1. Identify, by subject area, a review cycle for  
39 instructional materials.

40 2. Specify the qualifications for an instructional  
41 materials reviewer and the process for selecting reviewers; list  
42 a reviewer's duties and responsibilities, including compliance  
43 with the requirements of s. 1006.31; and provide that all  
44 instructional materials recommended by a reviewer be accompanied  
45 by the reviewer's statement that the materials align with the  
46 state standards pursuant to s. 1003.41 and the requirements of  
47 s. 1006.31.

48 3. State the requirements for an affidavit to be made by  
49 each district instructional materials reviewer which  
50 substantially meet the requirements of s. 1006.30.

51 4. Comply with s. 1006.32, relating to prohibited acts.

52 5. Establish a process that certifies the accuracy of  
53 instructional materials.

54 6. Incorporate applicable requirements of s. 1006.31, which  
55 relates to the duties of instructional materials reviewers.

56 7. Incorporate applicable requirements of s. 1006.38,  
57 relating to the duties, responsibilities, and requirements of  
58 publishers of instructional materials.

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- 59           8. Establish the process by which instructional materials  
60 are adopted by the district school board, which must include:
- 61           a. A process to allow student editions of recommended  
62 instructional materials to be accessed and viewed online by the  
63 public at least 45 ~~20~~ calendar days before the school board  
64 hearing and public meeting as specified in this subparagraph.  
65 This process must include reasonable safeguards against the  
66 unauthorized use, reproduction, and distribution of  
67 instructional materials considered for adoption.
- 68           b. An open, noticed school board hearing to receive public  
69 comment on the recommended instructional materials.
- 70           c. An open, noticed public meeting to approve an annual  
71 instructional materials plan to identify any instructional  
72 materials that will be purchased through the district school  
73 board instructional materials review process pursuant to this  
74 section. This public meeting must be held on a different date  
75 than the school board hearing.
- 76           d. Notice requirements for the school board hearing and the  
77 public meeting that must specifically state which instructional  
78 materials are being reviewed and the manner in which the  
79 instructional materials can be accessed for public review. The  
80 hearing must allow the parent of a public school student or a  
81 resident of the county to proffer evidence that a recommended  
82 instructional material does not meet the criteria provided in s.  
83 1006.31(2), taking into consideration course expectations based  
84 on the district's comprehensive plan for student progression  
85 under s. 1008.25(2) and course descriptions in the course code  
86 directory.
- 87           9. Establish the process by which the district school board

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88 shall receive public comment on, and review, the recommended  
89 instructional materials.

90 10. Establish the process by which instructional materials  
91 will be purchased, including advertising, bidding, and  
92 purchasing requirements.

93 11. Establish the process by which the school district will  
94 notify parents of their ability to access their children's  
95 instructional materials through the district's local  
96 instructional improvement system and by which the school  
97 district will encourage parents to access the system. This  
98 notification must be displayed prominently on the school  
99 district's website and provided annually in written format to  
100 all parents of enrolled students.

101 12. Establish the process by which parents and residents of  
102 the county, as defined in s. 1006.28(1)(b), may recommend  
103 instructional materials for consideration by district  
104 instructional materials reviewers. The district school board  
105 must notify the publisher of any instructional material that is  
106 recommended for consideration and provide the publisher with the  
107 Florida Instructional Materials Adoption Schedule for the  
108 current adoption cycle.

109 Section 2. Subsection (2) of section 1006.31, Florida  
110 Statutes, is amended, and subsection (4) is added to that  
111 section, to read:

112 1006.31 Duties of the Department of Education and school  
113 district instructional materials reviewer.—The duties of the  
114 instructional materials reviewer are:

115 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the  
116 selection criteria listed in s. 1006.34(2)(c) ~~s. 1006.34(2)(b)~~

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117 and recommend for adoption only those instructional materials  
118 aligned with the Next Generation Sunshine State Standards  
119 provided for in s. 1003.41. Instructional materials recommended  
120 by each reviewer shall be, to the satisfaction of each reviewer,  
121 accurate, objective, balanced, noninflammatory, current, free of  
122 pornography and material prohibited under s. 847.012, and suited  
123 to student needs and their ability to comprehend the material  
124 presented. Reviewers shall consider for recommendation materials  
125 developed for academically talented students, such as students  
126 enrolled in advanced placement courses. When recommending  
127 instructional materials, each reviewer shall:

128 (a) Include only instructional materials that accurately  
129 portray the ethnic, socioeconomic, cultural, religious,  
130 physical, and racial diversity of our society, including men and  
131 women in professional, career, and executive roles, and the role  
132 and contributions of the entrepreneur and labor in the total  
133 development of this state and the United States.

134 (b) Include only materials that accurately portray,  
135 whenever appropriate, humankind's place in ecological systems,  
136 including the necessity for the protection of our environment  
137 and conservation of our natural resources and the effects on the  
138 human system of the use of tobacco, alcohol, controlled  
139 substances, and other dangerous substances.

140 (c) Include materials that encourage thrift, fire  
141 prevention, and humane treatment of people and animals.

142 (d) Require, when appropriate to the comprehension of  
143 students, that materials for social science, history, or civics  
144 classes contain the Declaration of Independence and the  
145 Constitution of the United States. A reviewer may not recommend

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146 any instructional materials that contain any matter reflecting  
147 unfairly upon persons because of their race, color, creed,  
148 national origin, ancestry, gender, religion, disability,  
149 socioeconomic status, or occupation.

150 (4) PUBLIC ACCESS AND INPUT.—Members of the public must be  
151 provided access to, and be given an opportunity to submit  
152 comments on, instructional materials recommended for adoption by  
153 state instructional materials reviewers. Any submitted comment  
154 related to a specific recommended instructional material must be  
155 provided to the commissioner as part of his or her consideration  
156 of the instructional material pursuant to s. 1006.34(2)(a). Any  
157 virtual presentation provided by a bidding instructional  
158 material publisher or manufacturer must be posted on the  
159 department's website for public access until the adoption period  
160 closes. Members of the public must also be allowed to recommend  
161 any instructional material for consideration by state  
162 instructional materials reviewers. The Department of Education  
163 must notify the publisher of any instructional material that is  
164 recommended for consideration and provide the publisher with the  
165 Florida Instructional Materials Adoption Schedule for the  
166 current adoption cycle.

167 Section 3. Present paragraph (b) of subsection (2) of  
168 section 1006.34, Florida Statutes, is redesignated as paragraph  
169 (c), and a new paragraph (b) is added to that subsection, to  
170 read:

171 1006.34 Powers and duties of the commissioner and the  
172 department in selecting and adopting instructional materials.—

173 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.—

174 (b) Instructional materials are not subject to public

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175 review procedures under s. 1006.40(4)(b) if the materials are  
176 found by the commissioner to fully meet or be more rigorous than  
177 the Next Generation Sunshine State Standards under s. 1003.41  
178 and are found to comply with the adoption criteria and standards  
179 of paragraph (c) and s. 1003.42 and are not prohibited by ss.  
180 847.012 and 1002.206. However, a district school board member  
181 may initiate the public review procedures before the  
182 instructional materials are adopted by the commissioner if he or  
183 she has evidence that the instructional materials do not meet  
184 the criteria required by this paragraph.

185 Section 4. Paragraph (b) of subsection (4) of section  
186 1006.40, Florida Statutes, is amended to read:

187 1006.40 Use of instructional materials allocation;  
188 instructional materials, library books, and reference books;  
189 repair of books.—

190 (4) Each district school board is responsible for the  
191 content of all materials used in a classroom or otherwise made  
192 available to students. Each district school board shall adopt  
193 rules, and each district school superintendent shall implement  
194 procedures, that:

195 (b) Except as provided in s. 1006.34(2)(b), provide a  
196 process for public review of, public comment on, and the  
197 adoption of instructional materials that satisfies the  
198 requirements of s. 1006.283(2)(b)8., 9., and 11.

199 Section 5. This act shall take effect July 1, 2018.